

# Senate File 2262 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3156)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to child care and family support subsidy services  
2 regulated or administered by the department of human services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5381SV 82  
5 jp/nh/8

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1 1 DIVISION I  
1 2 HOME=BASED CHILD CARE LOCATION  
1 3 Section 1. Section 237A.3, Code 2007, is amended by adding  
1 4 the following new subsection:  
1 5 NEW SUBSECTION. 3. The location at which the child care  
1 6 is provided shall be a single-family residence that is owned,  
1 7 rented, or leased by the person or program providing the child  
1 8 care. For purposes of this subsection, a "single-family  
1 9 residence" includes an apartment, condominium, townhouse, or  
1 10 other individual unit within a multiple unit residential  
1 11 dwelling, but does not include a commercial or industrial  
1 12 building that is primarily used for purposes other than a  
1 13 residence.

1 14 Sec. 2. Section 237A.3A, subsection 3, Code 2007, is  
1 15 amended by adding the following new paragraph:  
1 16 NEW PARAGRAPH. d. The rules shall require a child  
1 17 development home to be located in a single-family residence  
1 18 that is owned, rented, or leased by the person or, for dual  
1 19 registrations, at least one of the persons who is named on the  
1 20 child development home's certificate of registration. For  
1 21 purposes of this paragraph, a "single-family residence"  
1 22 includes an apartment, condominium, townhouse, or other  
1 23 individual unit within a multiple unit residential dwelling,  
1 24 but does not include a commercial or industrial building that  
1 25 is primarily used for purposes other than a residence.

1 26 DIVISION II  
1 27 CHILD CARE RECORD CHECKS  
1 28 Sec. 3. Section 237A.5, subsection 2, Code 2007, is  
1 29 amended by adding the following new paragraph:  
1 30 NEW PARAGRAPH. cc. If a record check performed in  
1 31 accordance with paragraph "b" or "c" identifies that an  
1 32 individual is a person subject to an evaluation, the  
1 33 department shall perform the evaluation in accordance with  
1 34 this subsection, even if the application which made the person  
1 35 subject to the record check is withdrawn or the circumstances  
2 1 which made the person subject to the record check are no  
2 2 longer applicable. If the department's evaluation determines  
2 3 that prohibition of the person's involvement with child care  
2 4 is warranted, the provisions of this subsection regarding such  
2 5 a prohibition shall apply.

2 6 DIVISION III  
2 7 WRAP=AROUND FUNDING  
2 8 Sec. 4. Section 237A.13, subsection 8, Code Supplement  
2 9 2007, is amended by striking the subsection.

2 10 DIVISION IV  
2 11 FAMILY SUPPORT SUBSIDY PROGRAM  
2 12 Sec. 5. Section 225C.40, Code 2007, is amended by adding  
2 13 the following new subsection:  
2 14 NEW SUBSECTION. 4. If a family appeals the termination of  
2 15 a family member who has attained the age of eighteen years,  
2 16 family support subsidy payments for that family member shall  
2 17 be withheld pending resolution of the appeal.

2 18 EXPLANATION

2 19 This bill relates to child care and family support subsidy  
2 20 services regulated or administered by the department of human  
2 21 services (DHS).

2 22 HOME=BASED CHILD CARE LOCATION. This division requires  
2 23 child care homes and child development homes to be located in  
2 24 a single-family residence.

2 25 Under Code chapter 237A, a "child care home" provides child  
2 26 care to five or fewer children at any one time and is not  
2 27 registered with the department of human services. A "child  
2 28 development home" is registered with the department and may  
2 29 provide child care to six or more children at any one time.

2 30 Code section 237A.3 is amended to require child care homes  
2 31 to be located in a single-family residence that is owned,  
2 32 rented, or leased by the person providing the child care. A  
2 33 single-family residence includes an apartment, condominium,  
2 34 townhouse, or other individual unit within a multiple unit  
2 35 residential dwelling. A single-family residence does not  
3 1 include a commercial or industrial building that is primarily  
3 2 used for purposes other than a residence.

3 3 Code section 237A.3A is amended to require child  
3 4 development homes to be located in a single-family residence  
3 5 that is owned, rented, or leased by the person or, for dual  
3 6 registrations, at least one of the persons named on the child  
3 7 development home's certificate of registration. The  
3 8 clarifications concerning the inclusion of units within  
3 9 multiple unit residential dwellings and the commercial or  
3 10 industrial building restriction applied to child care homes  
3 11 are also applied to child development homes.

3 12 CHILD CARE RECORD CHECKS. This division relates to record  
3 13 checks applicable to child care providers.

3 14 Current law under Code section 237A.5, relating to  
3 15 personnel providing child care or living in a child care home  
3 16 or facility, requires criminal and child abuse registry checks  
3 17 to be conducted by DHS for a "person who is subject to a  
3 18 record check". This term means the person is being considered  
3 19 for licensure or registration or is registered or licensed  
3 20 under Code chapter 237A, the person is being considered by a  
3 21 child care facility (defined to mean a licensed child care  
3 22 center or registered child development home) for employment  
3 23 involving direct responsibility for a child or with access to  
3 24 a child when the child is alone or is employed with such  
3 25 responsibilities, the person will reside or resides in a child  
3 26 care facility, the person has applied for or receives public  
3 27 funding for providing child care, or the person will reside or  
3 28 resides in a child care home that is not registered under the  
3 29 Code chapter but that receives public funding for providing  
3 30 child care.

3 31 If a record check is performed and the record indicates  
3 32 that the person has committed a transgression, the department  
3 33 is required to perform an evaluation to determine if  
3 34 prohibition of the person's involvement with child care is  
3 35 warranted. "Transgression" means the record indicates the  
4 1 person has been convicted of a crime, has a record of having  
4 2 committed founded child or dependent adult abuse, is listed in  
4 3 the sex offender registry, has a record of having committed a  
4 4 public or civil offense, or DHS has revoked a child care  
4 5 facility registration or license due to the person's continued  
4 6 or repeated failure to operate the child care facility in  
4 7 compliance with law and rules adopted pursuant to the Code  
4 8 chapter.

4 9 The bill provides that an evaluation is required even if  
4 10 the application which made the person subject to the record  
4 11 check is withdrawn or the circumstances which made the person  
4 12 subject to the record check are no longer applicable. If the  
4 13 evaluation determines that prohibition of the person's  
4 14 involvement with child care is warranted, the law regarding  
4 15 such prohibition is applicable. A person who provides child  
4 16 care in violation of the prohibition is subject to criminal  
4 17 penalty or injunction.

4 18 WRAP=AROUND FUNDING. This division eliminates reference to  
4 19 certain child care funding for wrap-around services provided  
4 20 through DHS in Code section 237A.13, relating to the state  
4 21 child care assistance program. The stricken subsection  
4 22 provides that a licensed child care center or registered child  
4 23 development home is deemed to be eligible for child care  
4 24 wrap-around funding if the center or home previously received  
4 25 the funding, meets requirements to be a shared vision program  
4 26 except that a shared vision program is not operated in the  
4 27 county where the center or home is located, and is providing  
4 28 child care wrap-around service that is included in the plan  
4 29 for the community empowerment area in which the center or home

4 30 is located. The shared visions program is administered  
4 31 through the department of education to provide quality child  
4 32 development programs to preschool children.

4 33 FAMILY SUPPORT SUBSIDY PROGRAM. This division relates to  
4 34 family support subsidy program payment and appeal  
4 35 requirements.

5 1 The family support subsidy program is administered by DHS  
5 2 to assist families with a family member who is younger than 18  
5 3 and has an educational disability or special health care needs  
5 4 or otherwise meets the federal developmental disability  
5 5 definition.

5 6 The bill also provides that if a family appeals the  
5 7 termination of a family member who attains age 18, family  
5 8 support subsidy payments are withheld while resolution of the  
5 9 appeal is pending.

5 10 LSB 5381SV 82

5 11 jp/nh/8